



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/551,494 | 04/18/2000 | Frank Meulewaeter | 021565-075 | 2755 |

21839 7590 09/07/2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

VIVLEMORE, TRACY ANN

ART UNIT

PAPER NUMBER

1635

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

| | | | |
|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

| |
|----------|
| EXAMINER |
|----------|

| | |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

20040902

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on February 13, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not made a proper election because they do not elect a single sequence as required in the restriction requirement sent on January 13, 2004.

Applicants have elected both SEQ ID NO: 5 and SEQ ID NO: 12. Applicants state that both groups should be searched as the recited SEQ ID NOS are the same sequence. This is not the case, as not only do the sequences not have the same sequence identifiers but are also of differing lengths. Each nucleotide sequence as claimed is structurally and functionally independent and distinct and requires a separate search and consideration of the prior art.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Vivlmore whose telephone number is 571-272-2914. The examiner can normally be reached on Mon-Fri 8:45-5:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Leguyader can be reached on 571-272-0760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

JOHN L. LEGUYADER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600
TECHNOLOGY CENTER 1600
SUPERVISORY PATENT EXAMINER
JOHN L. LEGUYADER

Tracy Vivlmore
Examiner
Art Unit 1635